



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/052,962 | 01/18/2002 | Chisato Numaoka | 7217/66291 | 3337 |
| 530 7590 01/09/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | EXAMINER TINKLER, MURIEL S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3691 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/09/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/052,962 | Applicant(s) NUMAOKA ET AL. | |
| | Examiner Muriel Tinkler | Art Unit 3691 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. The original claims 2, 5, 6, 9, 12, and 13 and the amended claims 1, 3, 4, 7, 8, 10, 11, 14, and 15 are pending. Rejections are as stated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-9 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth et. al. (US 6,285,987 B1).

3. Claims 1, 7, 8, 14 and 15 discuss an advertisement space auction method, storage medium, computer program, and apparatus using a network, comprising the steps of: storing advertisement space information in a memory, said memory being accessible by a plurality of entities connected to said network; receiving bid data submitted from at least one of said plurality of entities via said network, said bid data corresponding to said advertisement space information stored in said memory; and on the basis of said bid data received, determining a winning bidder for an advertisement.

Art Unit: 3691

space corresponding to said advertisement space information. Roth discloses on page 9 and lines 19-25 of the specification, "The system also utilizes an area of memory for temporarily storing certain information. This area of memory is called the VOD area of memory. It should be understood, that as is conventional, some of the data in the tables 16B can be stored in program structures and indexes which can then be used to access the data in order to increase speed." Roth discloses in the abstract, "Proposed bids submitted by different advertisers are evaluated in real time in order to determine which particular advertisement will be displayed to a viewer." Roth discloses on page 5 and lines 35-37, "The appropriate advertisement called for by the winning bid is then sent from data base 16A to browser." Roth also discloses on page 6 and lines 53-56, "The web server 310, view server 320, bidding agents 30 and bid input server 18 can all be implemented by computer programs that are all resident in and executed by one single physical computer."

4. Claims 2 and 9 discuss the advertisement space auction method and storage medium according to claims 1 and 8, wherein said advertisement space information contains information indicating a period of time allowed for submitting said bid data; and said winning bidder is determined on the basis of a plurality of said bid data submitted during said period of time allowed therefor. Claims 1 and 8 have been rejected based on the information disclosed above. Roth discloses on page 7 and lines 26-33, "Bidding agents 30 must be programmed to evaluate proposed bids in a certain amount of time and to submit actual bids to server 320 within pre-established time limits. If server 320

Art Unit: 3691

does not receive a bid from a particular bidding agent 30 within a certain time, it assumes that it will not receive a bid from that bidding agent and it selects the highest bid from the bids received from the other bidding agents."

5. Claims 3 and 10 discuss the advertisement space auction method and storage medium according to claims 1 and 8, wherein said advertisement space information contains data on recipient addressees scheduled to receive an advertisement. Claims 1 and 8 have been rejected based on the information disclosed above. Roth discloses on page 17 and lines 56-67, "Web Server 310: The web server 310 is a conventional web server which is programmed to provide two main functions: 1) Answer and hold the state of each HTTP request; deliver the view-op to the system kernel in view server 320; receive the system kernel reply and deliver the content. This is a multi-task operation. The contents (the IP data) of each view op, along with its type (either a request for content or a click-through) are delivered to the view server 320. This communication is through shared memory or alternatively it may be through a conventional inter-computer network." Roth discloses on page 7 lines 55-56 through and page 8 lines 20-28, "The following terms are used herein with the following meaning... IP Data: Data about the viewer which is specified using the Internet protocol. The IP data about a viewer is presented to the system at view-op time in accordance with standard HTTP conventions. The IP data is defined by standard HTTP conventions and it includes: CGI (common graphic interface) variables, Browser type (e.g. Netscape), viewers URL, high-

Art Unit: 3691

level domain (.edu, .gov, .com, OS of viewer (MAC, Windows, etc.), host, IP address, and URL of referring Web page.”

6. Claims 4 and 11 discuss the advertisement space auction method and storage medium according to claims 1 and 8, wherein said advertisement space is determined corresponding to a distribution cluster of recipient addressees that receive an advertisement inserted in said advertisement space, said distribution cluster containing a plurality of entities having a common characteristic; said advertisement space information containing data on said common characteristic; and, said advertisement space information contains evaluation information on said advertisement space designated in said advertisement space information. Claims 1 and 8 have been rejected based on the information disclosed above. Roth discloses on page 13 and lines 51-56 of the specification, “Each proposed bid (i.e. each form object) may contain a wide range of criteria that must be satisfied if an actual bid is to be placed. The criteria may be very stringent in a situation where the proposed bid is high and the advertiser wants to reach only a very select group of viewers.”

7. Claims 5 and 12 discuss the advertisement space auction method and storage medium according to claims 1 and 8, wherein said advertisement space information contains evaluation information on said advertisement space designated in said advertisement space information. Claims 1 and 8 have been rejected based on the information disclosed above. Roth also discloses on page 4 and lines 20-21,

Art Unit: 3691

"Advertisers submit proposed bid, to their associated bidding agents for evaluation against view-ops."

8. Claims 6 and 13 discuss the advertisement space auction method and storage medium according to claims 1 and 8, wherein said network is an open network accessible by a plurality of general public users. Claims 1 and 8 have been rejected based on the information disclosed above. Roth discloses on page 1 and lines 4-7 of the specification, "The present invention relates to computer networks and more particularly to a method and system for selecting and then displaying advertisements on Internet World Wide Web sites."

Conclusion

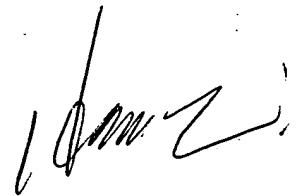
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
January 4, 2007



HANI M. KAZIMI
PRIMARY EXAMINER